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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/986,675	11/09/2001	Kiichi Yamashita	2001-1664	5801

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EXAMINER

KUHNS, ALLAN R

ART UNIT	PAPER NUMBER
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1732

DATE MAILED: 11/04/2003

2

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

9/986,675

Applicant(s)

YAMASHITA ET AL.

Examiner

KUHNS

Group Art Unit

1732

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ONE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☒ Responsive to communication(s) filed on JULY 14, 2003
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1, 6-76, AND 80-99 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☐ Claim(s) _____ is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☒ Claim(s) 1, 6-76 AND 80-99 are subject to restriction or election requirement

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some* ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. _____.
- ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

Office Action Summary

1. After reconsideration, the restriction requirement mailed June 13, 2003 is hereby modified by the following restriction requirement. Claims 70, 71 and 83 are now included with the injecting apparatus group since they are dependent on claims 18 or 31.

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claim 1, drawn to an injection method for a two part urethane foam using a shut off means located within the structure to be filled, classified in class 264, subclass 51.
- II. Claims 9-10, drawn to a method for testing the appropriateness of a foam fill volume by detecting the presence of foam at a confirming opening, classified in class 264, subclass 40.5.
- III. Claims 11-13 and 81, drawn to a method for testing the appropriateness of a foam fill volume by measuring temperature in a non-contact manner, classified in class 264, subclass 40.6.
- IV. Claims 14-17 and 82, drawn to a method of injecting a two part urethane wherein the cream time and rise time are controlled, classified in class 264, subclass 328.6.
- V. Claims 43-65, 68-69, 72-73 and 90-97, drawn to a method of injecting a foaming material into a closed structure wherein a movable manipulator is used to align an injector, classified in class 264, subclass 40.1.
- VI. Claims 6-8 and 80, drawn to a cured foam-filled vehicle body member, classified in class 428, subclass 304.4.

VII. Claims 18-42, 66-67, 70-71, 74-76, 83-89 and 98-99, drawn to an injecting apparatus, classified in class 425, subclass 4R.

3.The inventions are distinct, each from the other because:

The methods of Groups I-V are each distinct from Group VI (foam-filled vehicle body member) and Group VII (injecting apparatus) for the reasons set forth in the restriction requirement mailed June 13, 2003.

The inventions of Group VI and Group VII are distinct for the reasons set forth in the restriction requirement mailed June 13, 2003.

The inventions of Groups I-V are each distinct from the other on their face because they require unrelated steps to control the molding of a foam composition within a structure.

4.Because these inventions are distinct for the reasons given above and have acquired a separate status in the art requiring divergent fields of search for the respective inventions, restriction for examination purposes is proper.

5.A telephone call was made to Joseph Gorski on June 12, 2003 to request an oral election to the above restriction requirement, but did not result in an election being made.

6.Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

7.Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one

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or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allan Kuhns whose telephone number is 703-308-3462. The examiner can normally be reached on Monday to Thursday from 7:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Colaianni can be reached on (703) 305-5493. The fax phone number for the organization where this application or proceeding is assigned is 703 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308-0661.

Allan R. Kuhns
ALLAN R. KUHNS
PRIMARY EXAMINER AU 1732
11-3-03